

The Leesburg Planning Commission met on Thursday, April 14, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, David Fuller, Steve McGreggor, Bruce Douglas, Nick Colonna, Calvin Grow, Mike Freda and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Vice Chairman Kevin Wright

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalriess
Commissioner Wright
Mayor Umstattd

Absent: Chairman Vaughan

ADOPTION OF AGENDA

Commissioner Bangert moved to adopt the agenda as presented

Motion: Bangert
Second: Hoovler
Carried: 6-0

CHAIRMAN'S STATEMENT

Vice Chairman Wright reviewed the agenda and call Mr. Freda forward to give the CIP Presentation.

Susan Swift commented that Calvin Grow of the Engineering Department was here to give a presentation regarding Segment 5 of Battlefield Parkway and asked that he give his report prior to the CIP Presentation.

Calvin Grow, Traffic Engineer, gave a brief summary of a meeting that was held with VDOT. They are scheduled to begin construction by 2010, the town is hoping that this will move forward to 2008. There is some right of way that is required that will take some time to acquire.

Commissioner Bangert asked about a proffer by Leegate for a portion of the Parkway. Mr. Grow said they have proffered a portion, but he needs to go back to look to see how

large a portion is involved. She went on to ask the estimated cost of the bridge and the road to Route 7. Mr. Grow said the right of way will be donated, and the number is coming in at around \$26 million. There will be various funds used to complete this. Ms. Bangert asked if there would be a landscaped median along with trail. Mr. Grow replied that there would not be much of a median, there is some trailway indicated. Mr. Grow then indicated some of the other sections of the parkway that are planned. Ms. Bangert then asked about Section 6 and how it would work with Tolbert Lane. Mr. Grow indicated that there will be a new bridge built and Tolbert Lane will end in a cul-de-sac.

Mayor Umstattd asked Mr. Grow if VDOT could stop us from starting construction in 2008. He said that all the land dedications need to be in place. She then asked about some of the alignments planned at the various intersections.

Commissioner Kalriess asked what RSTP funds were. Mr. Grow responded Regional Surface Transportation Funds. Each year the town can ask for funding based on population. The funds come from the Northern Virginia Transportation Authority. Mr. Kalriess went on to ask how the values of the bridges, etc. are determined. Mr. Grow said that VDOT uses the numbers and they do build in inflation. Mr. Kalriess said that he would like to see the quality of the bridges be improved, include parapets. He asked that the design be taken into consideration. Mr. Grow responded that this would increase the costs, but they can look into it. In Section 3, this is scheduled for 2012, what is the benefit of moving this up in the CIP. Mr. Grow responded that the current traffic on the Bypass is already at the 2020 level. Once this section is built, it could relieve bypass traffic.

Commissioner Bangert asked about the number of choices for bridge design, and who will make the final choice, and when? Mr. Grow responded that they will know the alignment, etc by May 11, but they will not necessarily know the design at that time.

Vice Chairman Wright asked what other obstacles are in the way, besides funding. Mr. Grow responded that there were some groundwater contamination issues with Rehau.

At this time Mike Freda, Budget Officer, came forward to report on some changes to his previous CIP report. The changes are in Project 28, they increased funding in this project; Project 35B has money now for Battlefield Parkway. 35A removed a bond in 2009 for \$5million. They added \$2million so the bond was reduced to \$3.1 million.

Commissioner Jones asked about shifting of bonds, in general. Mr. Freda said since the bonds were not yet sold, they can move some of the things around.

Commissioner Kalriess would like to propose for discussion to move funds from 2008 for Veterans Park to Battlefield Parkway, Section 3. The park is a great project, but the transportation issue needs to be resolved very quickly. He also asked about the realignment of West Market Street. Since this is a gateway to town, he wanted to know what the design was going to look like.

Mayor Umstattd said that Mr. Kalriess' suggestion was a very good one. Battlefield Parkway has been a priority for the town for some time now and she would support this at the Council level.

Commissioner Bangert agreed with the movement of funding for Battlefield Parkway construction. She is concerned about the groundwater contamination at the Rehau site. Should the application of Ft. Evans go forward, then the Battlefield Project would be built sooner in that area. Section 3 is an important part for the northeast quadrant, so this is important to complete.

Commissioner Barnes asked about the realignment of Route 7. Calvin Grow responded that there will be a traffic signal at Morven Park Road and West Market Street.

Commissioner Jones had some further questions on the West Market Street realignment. Mr. Grow again explained that the intersection will come to a stop – the westbound traffic will no longer be able to merge into West Market Street, they will be forced into the intersection with a light. Mr. Jones then stated that Veteran's Park was an extraordinary area, and he would like to see enough funds expended to provide a passive use park.

Commissioner Bangert asked exactly what Mr. Jones had in mind, what kind of funds is he looking for. Mr. Jones said he was not prepared to comment on costs. Perhaps they could ask Parks and Rec for some idea.

Commissioner Barnes asked where the funds were coming from for some of these projects. He suggested that perhaps we can solicit funds for the Park from other sources than bonds or town funds. Mr. Freda responded that there are some limited state park funds available for small projects such as entranceways, etc. It could be used for first stages of development of the park.

Commissioner Kalriess suggested that a master plan be prepared prior to anything being done for the park. There was some further discussion that a preliminary plan had already been prepared.

Commissioner Kalriess moved to reallocate the \$4million slated in 2008 for Veterans Park to Project 35B, Battlefield Parkway, Edwards Ferry Road to Fort Evans Road, in order to move construction of this project forward from 2010.

Commissioner Bangert stated the current allocation for 35B was at \$2.43million. Do we want to pull just that amount down, or can we put what isn't needed for 35B into 35A Mayor Umstattd said part of it should be pulled to the southern section.

Commissioner Kalriess said he would like to see the completion of 35B occur in concert with the completion of the bridge (part of 35A).

Commissioner Jones asked about the location of the stormwater management study. Mr. Freda said that these were individual locations. Mr. Jones understood it was a townwide study – Mr. Freda said this was under the general fund budget. Mr. Jones also asked where the allocation was for the Crescent District. Mr. Freda said they are not in the current CIP.

Motion: Kalriess

Second: Barnes

Carried: 6-0

Commissioner Bangert doesn't feel that item #25 (traffic signal at Edwards Ferry Road/Church Street and East Market Street) and item #39 (traffic signal at North King Street and North Street) should be funded by the town. The necessity of these lights stems from County Courthouse expansion and there should be some liability of their part. Also, the light at Catoctin Circle and Edwards Ferry Road does not seem to be a necessity at this time. Mayor Umstattd said there were some proffered funds involved and they can't be transferred without a proffer amendment. Mr. Grow said they are waiting to see how new construction in the area impacts this intersection. Commissioner Bangert proposed that the county pay for the other two lights since the third light is still several years away.

Commissioner Bangert moved to allocate funds set aside for the Catoctin Circle/Edwards Ferry Road light be dispersed between project #25 and project #39. There was no second.

Commissioner Wright moved to recommend to Council and staff that projects 25, 37 and 39 be studied further prior to any construction being initiated on them.

Motion: Wright

Second: Bangert

Commissioner Kalriess was unclear about the motion. Are they suggesting there will be a general fund for the three lights? Commissioner Wright said he did not want to see a rush to put these lights up. Commissioner Jones suggested that these be used to the out years, e.g. 2008 and this way it will get further study and taken off the priority list. The question was if there was a limit on the proffers. Do we get the increasing amount of the cost of the light, e.g. inflation? Commissioner Barnes said that the town would then lose money because of the increase in cost over the next few years. Commissioner Barnes went on to ask what the accident rates were at the intersections in question. Mr. Grow gave the accident statistics, but they do not warrant immediate action, and should be good until 2009.

Commissioner Wright recommended deferral of funding for projects 25, 27 and 39 until fiscal year 2009 as studies do not indicate warrant for a traffic signal at these locations prior to that.

Calvin Grow said that the intersection of Edwards Ferry Road and Catoctin Circle meets traffic signal warrant today. He went on to say that these studies are already indicated for 2009.

Commissioner Wright withdrew the motion.

Commissioner Bangert had some concerns about the delay of storm drainage improvements. She feels strongly that these delays should not occur. Project numbers 46, 49 51 53 54 57 and 60 should not be delayed any longer. Mayor Umstattd said there has been money appropriated and they should be taken care of. Mr. Freda said often times it's a matter of scheduling.

Commissioner Wright reiterated that it is important that these get taken care of.

Commissioner Bangert moved that the Planning Commission recommend to the Town Council approval of the CIP as outlined in the CIP summary sheets along with the motion regarding funding of Section 3 of Battlefield Parkway and other comments made by Commissioners this evening.

Motion: Bangert

Second: Jones

Carried: 6-0

COMPREHENSIVE PLANNING

Commissioner Wright moved on to Page 7 of the Compilation of Comments regarding the Town Plan.

Heritage Resources, Item 1 – any comments regarding guidelines? Commissioner Bangert asked whether they should add that the BAR will be doing the design guidelines? Susan Swift said that within the H-1 and H-2 the BAR would be reviewing design guidelines.

Item #2 – relates to HR-2 district. Commissioner Bangert said she could agree to this item as long as the citizens concerns are kept in mind. Mayor Umstattd said they have to be careful about extending H-2 on residential. It could make sense to extend it to commercial. Commissioner Kalriess said at one point there were no restrictions of historic or older areas. He said that possibly they could grandfather in certain conditions.

David Stoner said the more you grandfather, the less credibility you have. Susan Swift said that in the last month the BAR has had some tough cases where a subdivision which is partially within the H-1 and partially outside has run into some varied restrictions. We need to be careful that we do not create inconsistencies.

Commissioner Jones said that the various sectors are curious as to why they would be considered part of downtown. Commissioner Wright said that in some areas it could

work, but not in others. Careful consideration should be given to the structures and the areas that would be impacted. Commissioner Jones said the concern was not the H-1 district, but the fact that they would be considered downtown. That gives off a different connotation.

David Fuller said that he spoke with the resident, and basically the alignment of the roadway formed a natural H-1 district boundary. They are still reviewing the proposal. There was some further discussion and it was decided that this could fall under the land use element. The final decision was to accept Item 2.

Items 3-7 were all accepted.

Item 8 which deals with undergrounding of utilities. Commissioner Bangert asked if they could legally require undergrounding of utilities. Susan Swift said we can ask for future undergrounding, but requiring it of the older, established buildings could be difficult.

Commissioner Hoovler arrived at 8:30pm.

Commissioner Kalriess mentioned that other jurisdictions charge an underground utility fund that assists in offsetting costs of undergrounding older utilities.

Commissioner Jones said that we should state that we want undergrounding in the old and historic district.

Mayor Umstattd asked David Stoner if the town could require a developer outside of the historic district to contribute to the fund to underground within the historic district. He responded that this would need to be researched.

Susan Swift said that the town needs to be careful that practicality is taken into account. This is not the type effort that can be segmented. Commissioner Jones said the Crescent District will be a major swath through town and should be part of the undergrounding effort. Commissioner Kalriess said he thinks this needs to be done townwide and not just in the historic district.

Commissioner Hoovler thought that any objectives we might have should be applied to the entire town, but implement them initially in district master plans such as the Crescent District.

David Fuller commented that the BAR has expressed concern over the powerlines and addressed this in the Facilities and Services element.

Commissioner Bangert cited the Regency case and said we might want to follow the SEC comments and decision regarding undergrounding.

There was consensus to accept Item 8.

Items 9-13 were accepted.

Item 14 which addresses archaeological sites had some discussion on why this was only addressed in the Phase I study for developments. Can an architectural study be done on a by-right use? Commissioner Jones said a Phase I study is only applied to undisturbed ground. A Phase 1A is a determination that a Phase I is not needed. Are there subsequent phases once something is identified. Mr. Fuller said they want to leave this somewhat generic to cover everything. Commissioner Jones said a Phase I study doesn't do anything but inventory what might be there. It doesn't necessarily protect the site.

Commissioner Kalriess asked how far they wanted to take this. He cited examples of what happens in the District and asked whether we had the ability to retrieve anything of historic value from sites?

Items 15-19 were accepted.

Item 20 which relates to cultural facilities prompted comment from Commissioner Hoovler who wanted to make sure that cultural facilities are included. There was discussion on whether the government provided something like this or is it up to private venture, and whether this would be better addressed in the community facilities element. David Fuller said it could also be put in general land use.

Commissioner Kalriess said there needed to be strong language if we are to take a leadership role to implement an actual cultural center.

Betsey Fields, Director of Economic Development, stated that the Business Development Strategy lists a cultural center as an action item in one of the objectives. Commissioner Hoovler said it should show up in as many elements as necessary to give it exposure.

Commissioner Bangert emphasized that each parcel that might be targeted needs to be carefully analyzed as to whether it would be a revenue producer or not. A cultural center could be a costly venture for a government.

Commissioner Wright recapped the discussion by relaying that there was consensus to keep this within the draft town plan. He asked whether there should be an action item or an objective.

Mayor Umstatt said her top priority would be to not fund something like this with taxpayer funds. She feels that projects such as this need to be privately funded. The Planning commission needs to put forward what they really believe in.

Commissioner Barnes moved to keep the language as it is currently written for Item 20.

Motion: Barnes

Second: Bangert

Carried: 6-0

Consensus was reached on items 21-23.

Next the Economic Development element was discussed.

Items #1 and #2 were approved.

Item #3 was approved with the change. Commissioner Bangert asked whether it would be to our advantage to designate areas where “emerging technology” or other similar business could be moved more quickly. Betsey Fields said that it has been done in some areas where the municipality actually had an interest in the building, and it assisted in cutting time out of the application system. This could potentially cut 12-18 months off the process.

Mr. Kalriess asked if this meant that there would be a prototypical building that has been preapproved that would offer immediate occupancy. Mr. Barnes said this could lock a certain type of business into an area, and if no one comes in, then the building would sit empty. Mr. Kalriess has some concern about “flex space” such as this. After further discussion regarding the timeframes and type of business, it was decided that the town should encourage fast tracking when appropriate.

Commissioner Wright recapped Item 3 as not creating a specific “bio tech” zone. On the other hand, the town should encourage fast tracking in the proper situations.

On item #4, the question was whether to promote business that is compatible with existing or planned development in the area if the existing business is not ideal.

Items 5, 6 and 7 were approved.

The Housing element discussion followed:

Items 1 and 2 were approved.

Item #3 asking that the term “mixed use centers” should be defined was deferred.

Item #4, was approved.

Item #5 had some discussion regarding complementary architectural style to be compatible with the downtown historic look.

Item #6 Commissioner Bangert questioned the ability to build affordable housing in Leesburg. She also asked if we were using the standards for ADU’s that the County has, if not, why not? Commissioner Jones said the staff needs to research this further. Mr. Fuller replied that this is very difficult and does require some intensive study.

Item #7. Commissioner Bangert said if we can't get the housing then we don't have to worry about the trees. This comment is to be removed from the matrix.

Community Facilities and Services

Item #1 was approved.

Item #2 regarding special assessment districts had some discussion. Commissioner Bangert said that perhaps other alternatives should be pursued. It was approved as is.

Items #3, 4, 5 and 6 were approved.

Item #7 regarding the area management plan, it was previously decided to let the lawyer rewrite this. This item was deferred.

Items #8 and 9 were approved.

Item #10 regarding developers maintaining street trees had some discussion. Commissioner Jones said he disagreed and said that the developers should post bond. Through this process the trees are maintained for a limited period of time. Susan Swift explained that this is currently being done.

Items #11 and 12 were approved.

Miscellaneous

Items # 1 and 2 were deferred.

Commissioner Kalriess addressed the concern about neighborhood retail. He presented a handout. Does neighborhood retail reduce traffic? He is struggling with the issue. Does it work, what should it look like and how do they get it to look that way? Susan Swift said the staff is preparing similar information and this will be addressed in the land use element. If the concept is reasonable, then they need to have some firm design guidelines in mind.

Commissioner Bangert asked how can they get developers to buy into neighborhood retail when the cost of the property is so high. It is more to the benefit of the developer to put in residential rather than retail. Will neighborhoods continue to have large open spaces? Mr. Barnes said residential and commercial should be built together. One should not start without the other.

Commissioner Jones said that residential gives immediate return on investment, commercial doesn't. We have allowed the undeveloped holes to happen.

Commissioner Kalriess said it takes an element of patience. Just because it doesn't work today doesn't mean it won't in the future. Susan Swift said if too much is proffered in road improvements then it may not be feasible to build the retail.

Next week's meeting will be in the downstairs level of the town hall. This will be videotaped. It will be on community design and land use. She went on to say that they met with the town arborist and they are working on some of the Tree Commission's concerns.

David Fuller said that another comment matrix will be prepared to supplement this one.

Bruce Douglas commented more on the Tree Commission comments. They will be preparing more explicit comments. Gem Bingol also requested more comments on the watershed area. Susan Swift said there was some further information on the utility line placement. Mr. Douglas said that the proposed route goes south of town, west along Sycolin Road and then west of town. There is one area in the southwest corner where it comes within 500 feet of homes. It is also not going to run along the trail. There will be a copy of the application for viewing in the Planning Department.

Susan Swift said they were working on alternatives to the schedule. She will send an email out defining what the changes will be. They have to work with Council since they blessed the original schedule. Commissioner Bangert asked if the Council needed a motion from the Planning Commission regarding the change in the schedule. Mayor Umstatt said they could do a motion but initially they will just be notified.

Commissioner Jones asked if they could simply advise Council that because of the current status they will require a schedule change.

ADJOURNMENT

The meeting was adjourned at 10:10pm

Presented by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Vice Chairman